IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7661 OF 2005

Shri V. Deewanji & ors. ... Petitioners

V/s

The Chairman,
Hindustan Aeronautics Ltd.
& ors. ... Respondents

Mr. M.S. Karnik for the petitioners.

Mr. A.M. Vernekar for the respondents.

CORAM: H.L. GOKHALE &
J.H. BHATIA, JJ.

DATED: 13TH JULY, 2006

P.C.:

1. Heard Mr. Karnik in support of this petition. Mr. Vernekar appears for the respondents. The petitioners herein are the employees working under the 1st respondent Government Company. They are contending that just as 3 candidates belonging to the Scheduled Caste and Scheduled Tribe were permitted a promotion cutting across their original department, similarly they should also be permitted to some facilities. The petitioners as well as the concerned reservation category candidates

were initially in the "workman" category and the promotion involved was to the Grade-I Technical which is the post of an Assistant Engineer. The 1st respondent has been effecting this promotion on the basis of the departmental/line seniority. This is principally because the experience in the particular department is essential for occupying the higher position in the department. In August 2006, the 1st respondent effected some 26 promotions in different departments, such as, Civil Engineering, Process Planning, Maintenance, Manufacturing, Tool Designing and so on. 1st respondent is a very large enterprise and its activities are divided in not less than 16 departments. It is, therefore, the experience in the particular department which is necessary for getting the promotion in the particular department.

2. As far as the relaxation given in favour of 3 Scheduled Caste candidates is concerned, the defence of the 1st respondent is, that it was essential to see to it that there is an adequate representation to the particular categories and it is only in those cases that the departmental experience was relaxed. However, thereafter again they will have to take the training in the particular department wherever they get the

promotion.

3. We have perused the petition as well as the reply. In our view, a concession to fall in line with the Constitutional mandate cannot create any right in favour of the candidates from other category. There is no discrimination in that and there is a justifiable explanation for the manner in which the promotions are otherwise being effected. There is no need to interfere in the petition. Hence, petition stands dismissed. No order as to costs.

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(H.L. Gokhale, J.)

(J.H. Bhatia, J.)